

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 1:17CR00439
)	
Plaintiff)	HON. JAMES S. GWIN
)	
vs.)	
)	
MICHAEL W. SPELLMAN, <i>et al.</i>)	<u>MOTION TO CONTINUE CHANGE</u>
)	<u>OF PLEA HEARING TO TUESDAY,</u>
Defendant)	<u>JANUARY 16, 2018</u>

Now comes Defendant Michael W. Spellman, by and through undersigned counsel, and respectfully requests that this Honorable Court continue the change of plea hearing set in this matter for January 11, 2018 to January 16, 2018.

A Memorandum in support of this motion is attached hereto and incorporated by reference herein.

Respectfully submitted,

s/Roger M. Synenberg
ROGER M. SYNENBERG (0032517)
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MEMORANDUM

On Tuesday, January 9, 2018, Mr. Spellman filed a *Notice of Intent to Withdraw Plea of Not Guilty and Enter Guilty Plea*. [Doc. # 56] On the same date, the Court scheduled Mr. Spellman's change of plea hearing for Thursday, January 11, 2018 at 9:00 a.m.

Mr. Spellman respectfully requests that this Court grant a short continuance of the scheduled change of plea hearing to Tuesday, January 16, 2018. For cause, Mr. Spellman resides in Hawaii, and with one and one-half day notice of the hearing, he is unable to find a flight to Cleveland that will allow him to attend the hearing on the scheduled date and time. Mr. Spellman has been able to purchase a ticket for a flight which leaves Hawaii on Sunday, January 14, 2018 and which will allow him to arrive in Cleveland on Monday, January 15, 2018.

Furthermore, while Mr. Spellman is requesting that the change of plea hearing be continued to the date that trial is scheduled in this matter, the Court need not be concerned that Mr. Spellman will not plead guilty on this date. Mr. Spellman has intended to plead guilty since the inception of this case, and will not be seeking a trial. As such, it is respectfully requested that this Court grant a short continuance of Mr. Spellman's change of plea hearing to January 16, 2018.

This Motion is made in good faith and not for purposes of delay. Furthermore, the granting of this request will not prejudice the Government in any fashion.

WHEREFORE, Defendant Michael Spellman respectfully requests that this Court grant a short continuance of the change of plea hearing scheduled in this matter for January 11, 2018 to January 16, 2018.

Respectfully submitted,

s/Roger M. Synenberg

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CERTIFICATE OF SERVICE

I hereby certify that on January 10, 2018, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular US mail. Parties may access this filing through the Court's system.

s/Roger M. Synenberg
ROGER M. SYNENBERG